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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,927	10/13/2004	Eugene A Pankake	GPNG.P-002	5926
57380                      7590                      01/27/2009 Oppedahl Patent Law Firm LLC P.O. BOX 4850 FRISCO, CO 80443-4850				
EXAMINER				
LAMB, BRENDA A				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
01/27/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket-oppedahl@oppedahl.com

### Office Action Summary

**Application No.**

10/711,927

**Applicant(s)**

PANKAKE, EUGENE A

**Examiner**

Brenda A. Lamb

**Art Unit**

1792

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/13/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-22, 26-30 and 44-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-22, 26-30, 45 and 46 is/are allowed.
- 6) ☒ Claim(s) 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madrak et al 5,948,477 in view of Sollinger et al 4,869,933, Hunger and Wallsten.

Madrak et al teaches an apparatus comprising: nozzle for depositing coating on an application surface; a return trough or conduit or collector 4 for the active nozzle to collect undeposited coating back for recycling; a return funnel 5 for collecting undeposited coating from the return trough for return to the coating tank for recycling; and a locking system that provides direct and consistent locking of the return funnel to the return trough orientation for operating conditions wherein the locking system includes holding fixture 15 which supports funnel 5 and is attached to ridge support 11 which supports trough 4. Madrak et al teaches the dispenser or nozzle to be used in his apparatus can exist in numerous variations in combination with a separate spreading device. Madrak et al fails to teach the dispensing implement or nozzle includes a leading edge, metering surface and end seals. However, Sollinger et al teaches a dispensing or nozzle assembly used in combination with a downstream spreading device for applying coating onto a moving paper web. Sollinger et al dispensing or nozzle assembly includes a leading edge 2 and a metering assembly surface and end seals (see column 3 lines 8-30). Therefore, it would have been obvious to modify the

Madrak et al apparatus by substituting its dispensing apparatus with another known dispensing or nozzle assembly used in combination with a downstream spreading device such as taught by Sollinger et al for the taught advantage of providing a controlled amount of coating on the web. Further, Madrak et al fails to teach the recycling unit includes a coating tank. However, Madrak et al at column 4 lines 29-32 teaches that material in its collector bin is transferred to a recycling unit. Therefore, it would have been obvious to modify the Madrak et al apparatus by including a coating tank as part of a recycling unit since it is known in the art to transfer excess coating collected in a collecting means to a coating tank for recycling such as taught by Hunger and Wallsten for the obvious cost advantages of recycling coating.

Applicant's arguments filed 10/13/2008 have been fully considered but they are not persuasive.

Applicant's argument that the collector bin of Madrak et al is not a return funnel is found to be non-persuasive. Madrak et al at column 3 lines 47-49 teaches that the "collector bin features, for obvious purposes, a shape that resembles a tub, sink, tube, or something similar" and structural elements such as tubs, sinks and tubes have an inlet opening and an outlet opening. So given the above cited broad description of features of a collector bin given by Madrak et al, it is clear to one skilled in that Marak intended that his collector bin to encompass a wide variety of shapes of liquid collecting means including a funnel shaped collector bin

Applicant's argument that Madrak et al's collector bin does not collect or conduct fluid to anywhere else such as a coating tank is found to be non-persuasive. Madrak et

al at column 4 lines 29-32 teaches that material in its collector bin is transferred to a recycling unit. Madrak et al fails to teach to teach the recycling unit includes a coating tank. However, it would have been obvious to modify the Madrak et al apparatus by including a coating tank as part of a recycling unit since it is known in the art to transfer excess coating collected in a collecting means to a coating tank for recycling such as taught by Hunger and Wallsten for the obvious cost advantage of doing so.

Applicant's argument that Madrak et al teaches a drive mechanism causes support beam to swing downwards to cause the bin to be effectively discharged and therefore Madrak et al collector bin is not a funnel in which liquid is discharged from the bottom of the collector bin is found to be non-persuasive. First of all, it is noted that claim 44 is silent as to the liquid being discharged from a bottom opening of the funnel. In any event, the inclusion in Madrak et al of a support beam to swing downwards to effectively discharge the contents of the bin does not exclude the collector bin from having a bottom opening or orifice rather the tilting of the Madrak et al return collector or funnel enables one to more effectively discharge the contents of the collector bin by obviously draining the contents of the collector bin in a shorter amount of time than by draining the collector bin through its smaller exit opening.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Grandi at column 2 lines 24-28 teaches collector bin have a funnel shape.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claims 13-22, 26-30 and 45-46 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Thursday- with alternate Wednesdays and Fridays off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton, can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit: 1792

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Brenda A Lamb  
Examiner  
Art Unit 1734

/Brenda A Lamb/

Primary Examiner, Art Unit 1792